



Comptroller General
of the United States

Washington, D.C. 20548

Formica
K3947

Decision

Matter of: National Medical Staffing, Inc.--
Reconsideration

File: B-242506.3

Date: May 20, 1991

Dr. Gloria M. Bertacchi for the protester.
John Formica, Esq., and John Brosnan, Esq., Office of the
General Counsel, GAO, participated in the preparation of the
decision.

DIGEST

Request for reconsideration of protest, previously dismissed because it failed to state a valid basis for protest, is denied where the request merely repeats an argument made during the consideration of its original protest, and claims new grounds of protest which have no bearing on the propriety of the General Accounting Office's conclusion that the initial protest failed to state a valid basis.

DECISION

National Medical Staffing, Inc. requests reconsideration of our decision in National Medical Staffing, Inc., B-242506, Feb. 8, 1991, 91-1 CPD ¶ 144, in which we summarily dismissed its protest of an award to Riley Dental Services, Inc. under request for proposals (RFP) No. DADA10-90-R-0039, a small business set-aside, issued by the Army Health Services Command for dental services.

We deny the request for reconsideration.

National Medical Staffing first protested the award to Riley on January 3, 1991, asserting that it should have received the award solely because it offered a lower price for the services than Riley, and complaining that it failed to receive a preaward notice of the selection of Riley so that it could question the firm's size status.

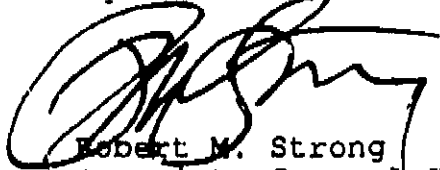
Upon receipt of the agency report on February 5, we found that the protester's assertion that it should have received the award based on its lower price did not constitute a valid basis for protest because the solicitation provided that award would be based on technical quality as well as price,

and specifically stated that technical quality was more important. We also found that the protester's complaint concerning the lack of a preaward notice failed to establish that the agency violated any procurement law or regulation. The notification is not required where, as in this case, the contracting officer makes a written determination prior to award that the urgency of the requirement necessitates that award be made without delay. Federal Acquisition Regulation (FAR) § 15.1001(b)(2). Accordingly, we dismissed the protest.

We received National Medical Staffing's request for reconsideration on February 21. It consists of a cover letter identifying the submission as a request for reconsideration, and a document dated February 15 identified as National Medical Staffing's "RESPONSE TO ARMY'S ANSWER TO PROTEST." In addition to reasserting at least one of the arguments raised in its initial letter of protest, the protester claims for the first time that the agency improperly evaluated offers, and failed to forward the challenge it made to Riley's size status to the Small Business Administration (SBA).

Under our Bid Protest Regulations, to obtain reconsideration, the requesting party must show that our prior decision contains either errors of fact or law or that the protester has information not previously considered that warrants reversal or modification of our decision. 4 C.F.R. § 21.12(a) (1991). National Medical Staffing has made no such showing. Its repetition of an argument made during our consideration of the original protest provides no grounds for us to reconsider our dismissal. R.E. Scherrer, Inc.--Recon., B-231101.3, Sept. 21, 1988, 88-2 CPD ¶ 274. Further, the new issues it raises concerning the agency's evaluation of proposals and handling of its challenge to Riley's size status have no bearing at all on the propriety of our conclusion that its protest as filed with our Office failed to state a valid basis.^{1/} As such, we find nothing in the request for reconsideration which warrants our reversing or modifying our prior decision.

The request for reconsideration is denied.



Robert M. Strong
Associate General Counsel

^{1/} In any event, the record shows that the SBA has determined that Riley is a small business for the subject acquisition and National Medical Staffing has not raised a credible argument concerning the evaluation of offers.